

second pointer" in Claim 7 there is antecedence for this in Claim 5, lines 18 and 19 wherein the second of said pointers is introduced.

In view of the above, the applicant requests that the rejection under 35 USC 112 be withdrawn.

The Examiner rejected Claims 1-4 under 35 USC 102(b) as being anticipated by Leung et al. Applicant respectfully traverses this rejection.

It is well settled that for a patent claim to be anticipated under 35 USC 102, a showing of identity of invention must be made, *Kalman v. Kimberly Clark Corp.*, 218 USPQ 789 CAFC 1983. Leung et al. do not satisfy this requirement.

At the outset, it should be noted that Leung et al. is assigned to the same assignee as the above entitled patent application. Leung et al. show a telephone line leading into a logger 15 and a recorder unit 14, so as to receive audio therefrom. It will be noted that there is no communication from the logger 15 to the recorder unit 14. The recorder unit 14 communicates with a message repeater 10 through a line 16. The message repeater 10 has short term memory and is able to communicate with tape recorders 26, 27 that receive cassettes.

The applicant's invention in Claims 1-4 is directed to a method of storing and retrieving audio from a digital audio logger. As stated previously, there is no data flowing from the logger 16 to the message repeater 10. Step 3 of the claim includes writing data from a buffer onto a digital audio tape. There is no digital audio tape in Leung et al. What is shown is a tape recorder for cassettes, which of course are analog. See column 3, lines 55-60. The fourth step of the claim 1 requires retrieving audio from a random access storage device while audio is written into the digital audio tape and the random access storage device. The cassettes 26, 27 of the Leung et al. receive audio from the short term memory in the console 12. Consequently it cannot be said that audio is retrieved from a random access storage device while audio is being written thereto. It will be noted that there is no provision for the same in Leung et al.

Claim 2 includes a time defining step. Claim 3 primary and secondary partitions and claim 4 a record session of which are disclosed by Leung et al.

For the above reasons, it is submitted that Claims 1-4 are not anticipated by Leung et al. and it is requested that the rejection of these claims under 35 USC 102 be withdrawn.

Claims 5-8 were rejected under 35 USC 103 as being unpatentable over Leung et al. in view of Knitl. Applicant respectfully traverses this rejection on the part of the Examiner. The Examiner has an extensive discussion relative to audio compression, but claims 5-8 are primarily directed to a digital audio tape drive unit in communication with a buffer, which buffer communicates with the random storage device through a pair of pointers. Nothing of this nature is disclosed either by Leung et al or by Knitl. Although Knitl shows memory, there is nothing therein that is equivalent to a buffer having two pointers that have communication between a buffer and a random storage device.

Claims 7 and 8 are more detailed relative to the structure of the buffer. More specifically, these claims speak of a primary partition and a secondary partition. Nothing of this nature is taught or suggested by either Leung et al. or Knitl.

In view of distinctions expressed above, it is submitted that Leung et al and Knitl do not show or suggest in combination the applicant's invention as defined by claims 5-8. This is particularly true when one considers the fact that Leung et al. is an analog system which cannot in any way be conveniently modified so as to incorporate any of the features of Knitl.

In view of the above amendments and comments, the above entitled application is deemed in condition for allowance and such allowance is respectfully requested.

Respectfully submitted,

Peter Vrahotes
Attorney for Applicant
Registration No. 22,529

Pitney Bowes Inc.
Intellectual Property and
Technology Law Department
World Headquarters
One Elmcroft Road
Stamford, Connecticut 06926-0700
Telephone (203) 351-7566

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